



USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: JUN 26 2008

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, N.Y. 10007

MICHAEL A. CARDOZO
Corporation Counsel

BRIAN G. MAXEY
Assistant Corporation Counsel
Tel: (212) 788-0987
Fax: (212) 788-9776

June 25, 2008

BY FAX: (212) 805-6304
Honorable Paul A. Crotty
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Maria Espinoza v. City of New York, et al., 08 CV 5159 (PAC)

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department handling the defense of this action on behalf of defendant City of New York. I am writing with the consent of plaintiff's counsel, Fred Lichtmacher, Esq., to request a sixty-day enlargement of time, from June 25, 2008 to August 25, 2008, within which this office may answer or otherwise respond to the complaint. This is the City's first request for an enlargement of time in this action.

The plaintiff alleges, *inter alia*, that she was subjected to false arrest and unlawful strip search, in violation of her constitutional rights. In addition to the City of New York, plaintiff also names Sgt. Benedetta, Police Officer Christian Perez, and Police Officer Eric Rodriguez.¹

¹ Upon information and belief, Sgt. Benedetta has not yet been served in this matter. However, Police Officers Christian Perez and Eric Rodriguez have been served. Pursuant to Section 50-k of the New York General Municipal Law, this office must determine, based on a review of the case, whether we may represent the individually named defendants. The officers must then decide whether he wishes to be represented by this office. If so, we must obtain their written authorization. Only after this procedure has been followed can we determine how to proceed in this case. Therefore, while this office does not currently represent Officers Perez and Rodriguez, I respectfully request that the Court enlarge their time to answer or otherwise respond to the complaint to August 25, 2008, so that representational issues may be sorted out prior to their deadline to answer.

MEMO ENDORSED

MEMO ENDORSED

Before this office can adequately respond to the complaint, we will need to conduct an investigation into the facts of the case and forward to plaintiff for execution authorizations for the release of the underlying arrest and prosecution records, which may have been sealed pursuant to NYCPL § 160.50. Without the underlying records, the defendants cannot properly assess this case or respond to the complaint. Accordingly, the enlargement of time will afford us the opportunity to investigate the matter and to secure the relevant documents.

This additional time should allow defendants to identify Sgt. Benetta, and plaintiff to then serve the Sergeant. Thereafter, the City will resolve representational issues regarding the Sergeant.

In view of the foregoing, it is respectfully requested that the Court grant the within request extending the City's time to answer or otherwise respond to the complaint until August 25, 2008.

Thank you for your consideration in this regard.

Respectfully submitted,



Brian G. Maxey (BM 0451)

BY FAX: (212) 922-9077

Fred Lichtmacher, Esq.
Attorney for Plaintiff

+ SO ORDERED JUN 26 2008



HON. PAUL A. CROTTY
UNITED STATES DISTRICT JUDGE